

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/13/13
--

MONIQUE SYKES, et al.,

Plaintiffs,

vs.

MEL S. HARRIS AND ASSOCIATES, LLC, et al.,

Defendants.

Index No. 09-cv-08486

Hon. Denny Chin

**AMENDED STIPULATION  
AND PROPOSED ORDER**

WHEREAS, on September 4, 2012, the District Court issued an opinion granting Plaintiffs' motion for class certification;

WHEREAS, on March 28, 2013, the District Court issued an order granting Plaintiffs' motion for class certification;

WHEREAS, on April 10, 2013, Defendants filed Rule 23(f) petitions for permission to appeal the District Court's order certifying the class with the Second Circuit;

WHEREAS, on July 19, 2013, the Second Circuit granted Defendants' Rule 23(f) petitions;

WHEREAS, Plaintiffs and Defendants (collectively, the "Parties"), through their undersigned counsel, have met and conferred and agree to expedite the appeal so that all briefs are filed no later than November 20, 2013, subject to the approval of the Court, to stay all discovery and/or discovery proceedings in the District Court except to the limited extent agreed upon between the parties and set forth in (a) the agreement between the Mel Harris Defendants and Plaintiffs dated August 2, 2013 (the "Mel Harris Agreement"), and (b) the agreement between the Leucadia Defendants and Plaintiffs dated August 1, 2013 (the "Leucadia

Agreement"), pending the issuance of a panel opinion or summary disposition or order on the merits of Defendants' Rule 23(f) Appeal by the Second Circuit;

IT IS THEREFORE STIPULATED AND AGREED, by and between the undersigned counsel for the Parties herein, that all discovery and/or discovery proceedings in the District Court will be stayed, except to the limited extent agreed upon between the parties and set forth in (a) the Mel Harris Agreement and (b) the Leucadia Agreement, pending the issuance of a panel opinion or summary disposition or order on the merits of Defendants' Rule 23(f) Appeal by the Second Circuit.

Dated: New York, New York  
August 2, 2013

---

James R. Asperger  
Maria Ginzburg  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

Brett A. Scher  
KAUFMAN DOLOWICH VOLUCK &  
GONZO LLP  
100 William Street, Suite 215  
New York, New York 11797

*Attorneys for the Mel Harris Defendants*



---

Matthew D. Brinckerhoff  
Jonathan S. Abady  
Debbie Greenberger  
EMERY CELLI BRINCKERHOFF &  
ABADY LLP  
75 Rockefeller Plaza, 20th Floor  
New York, New York 10019

NEW ECONOMY PROJECT  
Claudia Wilner  
Susan Shin  
176 Grand Street, Suite 300  
New York, NY 10013

MFY LEGAL SERVICES, INC.  
Carolyn E. Coffey  
Ariana Lindermayer  
Of Counsel to Jeanette Zellhof  
299 Broadway, 4<sup>th</sup> Floor  
New York, New York 10007

*Attorneys for Plaintiffs and Plaintiff Class*

---

Ralph C. Ferrara  
PROSKAUER ROSE LLP  
1001 Pennsylvania Avenue, NW  
Suite 400 South  
Washington, DC 20004

Lewis H. Goldfarb  
MCELROY, DEUTSCH, MULVANEY, &  
CARPENTER, LLP  
1300 Mt. Kemble Avenue  
P.O. Box 2075  
Morristown, NJ 07962

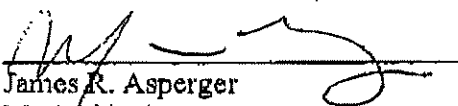
*Attorneys for the Leucadia Defendants*

---

Jordan Sklar  
BABCHIK & YOUNG LLP  
200 East Post Road, 2nd Floor  
White Plains, New York 10601

*Attorneys for the Samserv Defendants*

Dated: New York, New York  
August 2, 2013

  
James R. Asperger  
Maria Ginzburg  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

Brett A. Scher  
KAUFMAN DOLOWICH VOLUCK &  
GONZO LLP  
100 William Street, Suite 215  
New York, New York 11797

*Attorneys for the Mel Harris Defendants*

Matthew D. Brinckerhoff  
Jonathan S. Abady  
Debbie Greenberger  
EMERY CELLI BRINCKERHOFF &  
ABADY LLP  
75 Rockefeller Plaza, 20th Floor  
New York, New York 10019

NEW ECONOMY PROJECT  
Claudia Wilner  
Susan Shin  
176 Grand Street, Suite 300  
New York, NY 10013

MFY LEGAL SERVICES, INC.  
Carolyn E. Coffey  
Ariana Lindermayer  
Of Counsel to Jeanette Zelhof  
299 Broadway, 4<sup>th</sup> Floor  
New York, New York 10007

*Attorneys for Plaintiffs and Plaintiff Class*

Ralph C. Ferrara  
PROSKAUER ROSE LLP  
1001 Pennsylvania Avenue, NW  
Suite 400 South  
Washington, DC 20004

Lewis H. Goldfarb  
MCELROY, DEUTSCH, MULVANEY, &  
CARPENTER, LLP  
1300 Mt. Kemble Avenue  
P.O. Box 2075  
Morristown, NJ 07962

*Attorneys for the Leucadia Defendants*

Jordan Sklar  
BABCHIK & YOUNG LLP  
200 East Post Road, 2nd Floor  
White Plains, New York 10601

*Attorneys for the Samserv Defendants*

Dated: New York, New York  
August 2, 2013

---

James R. Asperger  
Maria Ginzburg  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

Brett A. Scher  
KAUFMAN DOLOWICH VOLUCK &  
GONZO LLP  
100 William Street, Suite 215  
New York, New York 11797

*Attorneys for the Mel Harris Defendants*


---

Matthew D. Brinckerhoff  
Jonathan S. Abady  
Debbie Greenberger  
EMERY CELLI BRINCKERHOFF &  
ABADY LLP  
75 Rockefeller Plaza, 20th Floor  
New York, New York 10019

NEW ECONOMY PROJECT  
Claudia Wilner  
Susan Shin  
176 Grand Street, Suite 300  
New York, NY 10013

MFY LEGAL SERVICES, INC.  
Carolyn E. Coffey  
Ariana Lindermayer  
Of Counsel to Jeanette Zelhof  
299 Broadway, 4<sup>th</sup> Floor  
New York, New York 10007

*Attorneys for Plaintiffs and Plaintiff Class*



Ralph C. Ferrara  
PROSKAUER ROSE LLP  
1001 Pennsylvania Avenue, NW  
Suite 400 South  
Washington, DC 20004

Lewis H. Goldfarb  
MCELROY, DEUTSCH, MULVANEY, &  
CARPENTER, LLP  
1300 Mt. Kemble Avenue  
P.O. Box 2075  
Morristown, NJ 07962

*Attorneys for the Leucadia Defendants*

---

Jordan Sklar  
BABCHIK & YOUNG LLP  
200 East Post Road, 2nd Floor  
White Plains, New York 10601

*Attorneys for the Samserv Defendants*

Dated: New York, New York  
August 2, 2013

---

James R. Asperger  
Maria Ginzburg  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010

Brett A. Scher  
KAUFMAN DOLOWICH VOLUCK &  
GONZO LLP  
100 William Street, Suite 215  
New York, New York 11797

*Attorneys for the Mel Harris Defendants*

---

Matthew D. Brinckerhoff  
Jonathan S. Abady  
Debbie Greenberger  
EMERY CELLI BRINCKERHOFF &  
ABADY LLP  
75 Rockefeller Plaza, 20th Floor  
New York, New York 10019

NEW ECONOMY PROJECT  
Claudia Wilner  
Susan Shin  
176 Grand Street, Suite 300  
New York, NY 10013

MFY LEGAL SERVICES, INC.  
Carolyn E. Coffey  
Ariana Lindermayer  
Of Counsel to Jeanette Zelhof  
299 Broadway, 4<sup>th</sup> Floor  
New York, New York 10007

*Attorneys for Plaintiffs and Plaintiff Class*


---

Ralph C. Ferrara  
PROSKAUER ROSE LLP  
1001 Pennsylvania Avenue, NW  
Suite 400 South  
Washington, DC 20004

Lewis H. Goldfarb  
MCELROY, DEUTSCH, MULVANEY, &  
CARPENTER, LLP  
1300 Mt. Kemble Avenue  
P.O. Box 2075  
Morristown, NJ 07962

*Attorneys for the Leucadia Defendants*

---

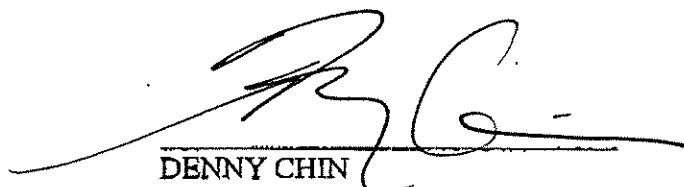


Jordan Sklar  
BABCHIK & YOUNG LLP  
200 East Post Road, 2nd Floor  
White Plains, New York 10601

*Attorneys for the Samserv Defendants*

SO ORDERED;

Dated: New York, New York  
August 8, 2013



DENNY CHIN  
United States Circuit Judge  
Sitting by Designation